

EXECUTIVE SECRETARIAT

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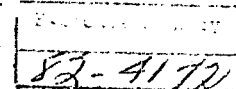
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Remarks:

D/ Executive Secretary

21 Jan 82

Date



21 January 1982

MEMORANDUM FOR:



Chief, Geography Division/OGI

FROM:


Director of Central Intelligence

SUBJECT:

Estimate on Law of the Sea

25X1

This is my summary of the essentials of the estimate. I would like to have your editorial or substantive corrections or improvements.


William J. Casey

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The Intelligence Community completed in December an intelligence estimate on the implications of a comprehensive Law of the Sea treaty and the possible consequences of its failure. It departs from an earlier estimate the Intelligence Community issued in 1977 in several respects. These departures result from changes in perceptions and changes in attitudes resulting largely from greater knowledge and experience gained in negotiating the treaty and from reflecting on its implications in a world in which market forces and the ability to deal with them are perceived to be more meaningful and effective. The major departures are these:

-- We see the navigation regime as more stable and predictable than it was perceived to be in 1977. The disincentives to commercial seabed mining created by the proposed treaty are more clearly and seriously understood, as are objections made by both the private sector and governments of the industrial countries. It has also become clearer that arrangements to protect seabed investments could be worked out through means other than the treaty.

-- There is greater concern that acceptance of Third World ideological principles in a seabed mining treaty would establish a negative precedent for other future global negotiations on matters such as outer space, the radio spectrum and Antarctica.

-- We now place a lower value on avoiding the risk of losing important navigational overflight freedoms because without the treaty the nation can still protect its navigational interests by relying on principles of customary international law supplemented when necessary by timely and purposeful exercise of its power (explain and illustrate exercise of power).

Significant conclusions in the current estimate are:

-- The requirement of mandatory transfer of technology to and sharing of revenues with an international seabed authority would deter investments by some U.S. seabed miners. There is also concern that access to seabed mine sites by private enterprise could be impeded by a seabed authority dominated by other countries. There is further concern that advantages in mine sites, financial arrangements and technology collected by the seabed authority would make it a powerful competitor for private seabed interests and even that future amendments of the treaty could freeze out private enterprise altogether.

-- The treaty would provide significant advantages in inhibiting the large-scale expansion of geographic claims by coastal states and preventing them from imposing restrictions on warship transit and other military activities.

-- In the absence of a treaty there would be doubt whether the United States could maintain certain navigational rights by relying on customary international law. Thus, a successful treaty process, therefore, is in the United States' interest whether or not it is a signatory.

-- A U.S. walkout of the Law of the Sea conference would not be joined by other industrial countries but would enable Moscow and developing countries to complain and propagandize about the unresponsiveness of the U.S. to Third World demands. This would not impair long-term relationships with allies, industrial partners or, after the rhetoric, impact on the important economic and political ties between the developing countries and the U.S.